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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,306	03/16/2004	Jon Yeon Oh	2003 P17447US01	1973

7590 06/20/2005

Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER


PHAM, LEDA T

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,306	OH ET AL.	
	Examiner	Art Unit	
	Leda T. Pham	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8-10,12,13,15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2-4,7,11,14,16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “recess being disposed generally adjacent to an end of the shaft” in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 13 is objected to because of the following informalities: “the means for receiving” should be change to – the means for engaging--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 – 6, 8, 12 – 13, 15, and 18 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sesselmann (DE 195 37 503 A1).

Referring to claim 1, Sesselmann teaches a bushing structure (figure 5) constructed and arranged to be operatively associated with a shaft (3) of an electric motor, the motor having a housing (2) including a generally elliptical recess (1) therein defined along an axis of the shaft (3), the bushing structure comprising:

a generally cylindrical bushing member (5) constructed and arranged to engage an end of the shaft (3) so as to locate the shaft (3) with respect to the housing and to prevent lockup of the motor (the bearing 5 is around the end shaft 3 and prevents lockup the motor by the deformation 1' by the force F' to the housing 2 regarding to radial movement of the motor), and

an endplay member (6) associated with the end of the shaft (3), the endplay member (6) including a spherical portion (ball shape) constructed and arranged to be received in the elliptical recess (1) so as to control endplay of the shaft (the movement up/down of ball 6 regarding to the elliptical recess of housing 1 will control axial movement, the endplay, of the shaft 3).

Referring to claims 5, 12 and 18, Sesselmann teaches the structure wherein the bushing member (5) also includes a plurality of protrusions extending outwardly from a periphery thereof, the protrusions being constructed and arranged to engage the housing of the motor

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(figure 2, the protrusions engage to the housing wherein apply the force to make the deformation portions of the housing 2).

Referring to claims 6, 13 and 19, Sesselmann teaches the structure wherein the endplay member (6) is in a sphere separate from the bushing member (5).

Referring to claim 8, Sesselmann teaches a bushing structure (figure 5) constructed and arranged to be operatively associated with a shaft (3) of an electric motor, the motor having a housing (2) including a generally elliptical recess (1) therein defined along an axis of the shaft (3), the bushing structure comprising:

means (5), for receiving an end of the shaft so as to locate the shaft (3) with respect to the housing (2) and to prevent lockup of the motor, and

means (6), associated with the end of the shaft, for engaging the elliptical recess (1) so as to control endplay of the shaft (3).

Referring to claim 15, Sesselmann teaches an electric motor (figure 5) comprising:

a housing (2),

a shaft (3) mounted for rotation with respect to the housing (2),

the housing (2) including a generally elliptical recess (1) therein, the recess (1) being disposed generally adjacent to an end of the shaft (3),

a generally cylindrical bushing member (5) engaged with an end of the shaft so as to locate the shaft with respect to the housing and to prevent lockup of the motor, and

an endplay member (6) associated with the end of the shaft, the endplay member including a spherical portion received in the elliptical recess so as to control endplay of the shaft.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 – 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sesselmann.

Regarding to claim 9, Sesselmann teaches the claimed invention, except for the added limitation of the means for engaging is integral with the means for receiving. An artisan has skilled in the art would know that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the means for engaging integrally with the means for receiving. This is obvious because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. ***Howard v. Detroit Stove Works, 150 U.S.164.***

Regarding to claim 10, Sesselmann teaches the structure wherein the means for receiving (5) has a central axis (31) and includes a recess (the portion where the shaft extending though) therein extending along the central axis, the recess being constructed and arranged to receive the end of the shaft (figure 5).

Regarding to claim 20, Sesselmann teaches the claimed invention except for using the motor as a bi-directional windowlift motor for a vehicle. It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). (Also see Kikly, U.S. Patent No. 5,747,911 using the motor as a bi-directional windowlift for a vehicle).

Allowable Subject Matter

7. Claims 2 – 4, 7, 11, 14, 16 – 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance: the record of prior art does not show the spherical portion of the endplay is a generally haft-sheer extending and integrating from the bushing member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leda T. Pham whose telephone number is (571) 272-2032. The examiner can normally be reached on M-F (8:30-6:00) first Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leda T. Pham
Examiner
Art Unit 2834



LTP
June 10, 2005



DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800